

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Julio Alberto LOPEZ

Defendant

Magistrate Docket No.

'08 MJ 1222

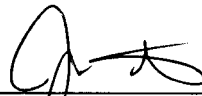
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **April 19, 2008** within the Southern District of California, defendant, **Julio Alberto LOPEZ** an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

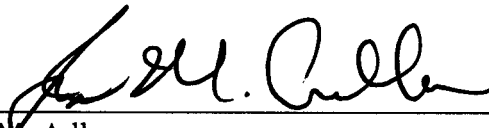
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21th DAY OF April, 2008**



Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

TKM

### PROBABLE CAUSE STATEMENT

On April 19, 2008, Border Patrol Agent J. Stephenson was traveling in a marked Border Patrol Vehicle from Tecate, California to the United States Border Patrol Checkpoint on State Route 94 in Jamul, California. This area is approximately six miles west of the Tecate, California Port of Entry and approximately four miles north of the international border between the United States and Mexico

At approximately 4:08 p.m., Agent Stephenson observed an individual walking on State Route 94 with dirty clothing and carrying a backpack. Agent Stephenson stopped his vehicle and approached the individual and identified himself as a United States Border Patrol Agent. Stephenson then conducted an immigration field interview on the individual which was later identified as the defendant **Julio Alberto LOPEZ**. LOPEZ freely admitted to being a citizen of El Salvador without any immigration documents that would allow him to be in or remain in the United States legally. LOPEZ was placed under arrest and transported to the Brown Field Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **El Salvador** on **December 15, 2007** through **Washington, D.C.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of El Salvador illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. He stated he was going to Alexandria, Virginia.